

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 1-115 were originally filed. Claim 10 is canceled. Claims 4 and 18 have been amended to delete the phrase "or immunogenic fragment thereof." This amendment introduces no new matter.

II. Claim Rejections

A. New issue under 35 U.S.C. § 112

The proposed amendment was not entered because the cancellation of claim 9 and amendment of claim 10 to depend from claim 7 rendered claim 8 identical that of claim 10 raising a new issue under 35 U.S.C. 112. Specifically, the Examiner states that the proposed amendment would have resulted in both claims 8 and 10 reading "The composition of claim 7, wherein the antigens are covalently linked, thereby forming a fusion polypeptide." Applicants respectfully request that this rejection be withdrawn in light of the cancellation of claim 10.

B. 35 U.S.C. § 112 first paragraph

Claims 4-6 and 18-27 were rejected under 35 U.S.C. § 112 first paragraph for allegedly lacking enablement. Specifically, the Examiner states that although the specification is enabling for whole antigens or fusion proteins, it is not enabled for "immunogenic fragments thereof." Applicants respectfully traverse. However, the rejection is moot as the claims have been amended to delete this phrase. Applicants respectfully request that this rejection be withdrawn.

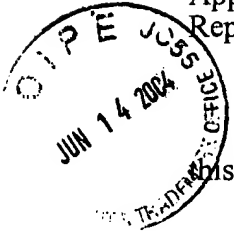
CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

Appl. No. 09/688,672

PATENT

Reply to Office Action of February 20, 2004



If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

A handwritten signature in cursive script that reads "Annette S. Parent".

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